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Steven I Weisburd
Ostrolenk Faber Gerb & Soffen LLP
1180 Avenue of the Americas
New York NY 10036-8403

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SEP 9 - 2005

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

**DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT**

In re Application of
Mitsunobu Ono, et al.
Application No. 09/483,883
Filed: January 18, 2000
For: **ENDOSCOPE APPARATUS AND
FUNCTION ADJUSTING CIRCUIT FOR
ENDOSCOPE**

This is a decision on the petition filed August 25, 2005 to withdraw holding of abandonment pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

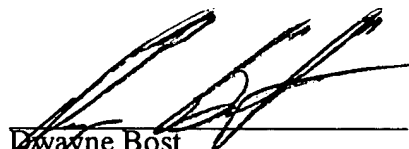
The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed February 1, 2005. A Notice of Abandonment was mailed on August 9, 2005.

Petitioner asserts that a proper response was timely filed on April 1, 2005. In support of the petition, Petitioner has submitted, a copy of Applicant's reply including a certificate of mailing dated April 1, 2005 and a date-stamped post card receipt evidencing receipt of the response within the United States Patent & Trademark Office (USPTO) on April 4, 2005.

The original correspondence filed was not matched with the application file and cannot be located. However, M.P.E.P. § 503 states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the U.S.PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely filed in the Patent and Trademark Office but not matched with the application file.

In view of the above stated reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file will be forwarded to the Technology Center's technical support staff for appropriate processing and entry of the amendment. From there, the file will be forwarded to the examiner for further examination in due course.


Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications